

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Flexcel-Fordsville
Mailing Address: P.O. Box 207
16968 State Route 69
Fordsville, KY. 42343

Source Name: Flexcel-Fordsville
Mailing Address: same

Source Location: Highway 69 South

Permit Number: V-06-011
Source A. I. #: 3300
Activity #: APE20020001
Review Type: Title V/Synthetic Minor Renewal
Source ID #: 21-183-00039

Regional Office: Owensboro
3032 Alvey Park Drive W., Suite 700
Owensboro, KY 42303
(859) 292-6411

County: Ohio

Application
Complete Date: March 31, 2002
Issuance Date:
Revision Date:
Expiration Date:

**John S. Lyons, Director
Division for Air Quality**

Revised 12/09/02

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Rev #	Permit type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
----	Initial Issuance	F178	10/5/00	11/6/00	
1	Significant revision	G371	--	1/12/00	Emission units, etc Summary of actions
2	Minor modification	APE1234567	--	2/21/03	Description of change Etc.

{Optional table, to be added upon a revision or new permit action}

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**01 DAQ Emission point number (and application emission point number)**

example:

EP# 01 Description of affected facility

EP# 02 Description of affected facility

EP# 03 Description of affected facility

EP# etc Fugitive emissions shall be included in the permit even if the source is not on the list of 26 categories in the definition for "major source"

Description: [Emissions Units description including equipment type, size, **rated capacity**, manufacturer, construction commenced date, associated control equipment, etc., as applicable.

Example: Spreader stoker, coal-fired unit equipped with mechanical collectors

Number two fuel oil used for startup and stabilization

Maximum continuous rating: 174 MMBTU/hour

Construction commenced: 1955

01 DAQ Control Equipment (Otherwise remove)

Description: [Control Equipment description ie SO2 scrubber, etc]

APPLICABLE REGULATIONS:

- a. For the 703 Boiler :
 - i. Regulation 401 KAR 51:017 (40 CFR 52.21) applies to the particulate, sulfur dioxide, nitrogen oxide and visible emissions.
 - ii. Regulation 401 KAR 59:015 applies to the particulate, sulfur dioxide and visible emissions but all standards under this regulation are superseded by the more stringent standards under 51:017.
- b. For the 766 Boiler:
 - i. Regulation 401 KAR 51:017 (40 CFR 52.21) applies to the particulate, sulfur dioxide, nitrogen oxide and visible emissions.
 - ii. Regulation 401 KAR 60:043 (40 CFR 60 Subpart Dc) applies to the particulate and sulfur dioxide emissions.
 - iii. Regulation 401 KAR 59:015 applies to the particulate, sulfur dioxide and visible emissions but all standards under this regulation are superseded by the more stringent standards under 51:017.

State-Origin Applicable Regulations: (Include this header only if there are State only requirement)

1. Operating Limitations:

2. Emission Limitations: [Mass emission limitations, opacity limitations, etc., **including the regulation and section from which the standard was acquired.** Limitation can be either from an applicable regulation, or as part of a requirement to limit potential.

SECTION B -EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method: include all equations required to demonstrate compliance.

Examples:

Hourly Emission Rate = [Hourly Processing Rate x Emission Factor x (1-efficiency Of Control Device.) (Hourly Processing Rate Determined According to Paragraph 1. Above)

Gallons used/Hour = [(Gallons Bought per time))Hours of operation per time]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. **Testing Requirements:** [List pollutants required to be tested and frequency. Refer to Section D for specific and/or general testing requirements.]

4. **Specific Monitoring Requirements:** [List pollutants required to be monitored and monitoring methods. Refer to Section F for specific and/or general monitoring requirements. Cite specific condition if a specific requirement exists.]

example:(for requirement for parametric monitoring of control equipments that does not restrict them to any range)

The permittee shall install, calibrate, maintain and operate according to manufacturer=s specification a monitoring device (differential pressure gauges or Manometers) to determine the pressure drop across the mechanical collector once a day during the operation of the unit.

The permittee shall monitor the relevant operating parameters, including but not limited to, the voltage (primary and secondary if available) and current for each transformer set and the spark rate in each section of the electrostatic precipitator once a day during the operation of the unit.]

5. **Specific Recordkeeping Requirements:** [Describe records required to be kept and the regulation and section that require the monitoring. Refer to Section F for specific and/or general record keeping requirements. Cite specific condition if a specific requirement exists.]

example: (for requirement for parametric monitoring of control equipments that does not restrict them to any range)

The permittee shall maintain the records of operating parameters of the control equipments.

6. **Specific Reporting Requirements:** [Describe reports required to be submitted and the regulation that requires the reporting. Refer to Section F for specific and/or general reporting requirements. Cite specific condition if a specific requirement exists.]

7. **Specific Control Equipment Operating Conditions:** [Describe control equipment required. This should include a concise list of the operating parameters of the control equipment such as the items contained on the DEP7007N forms. Refer to Section E for specific and/or general control equipment requirements. Cite specific condition if a specific requirement exists or if a limit needs to be practically enforceable. The IBR document states “The permit shall contain requirements covering the use, maintenance, and installation of monitoring equipment or methods]

8. **Alternate Operating Scenarios:** [Alternate operating scenarios may be described here or referred to Section H depending on the interrelation between affected facilities. Generally, if an operating scenario involves concurrent

**SECTION B - EMISSION POINTS, EMISSION UNITS,
APPLICABLE REGULATIONS, AND OPERATING CONDITIONS
(CONTINUED)**

changes at two or more affected facilities, then it will be more effectively dealt with in Section H.]

9. **Compliance Schedule:** Note to the permit writer: This is an **optional** item that may not be necessary for all permits. It should be used when a source is allowed additional time for compliance on new periodic monitoring requirements specific to this point or if reference needs to be made to Section I if this emission point is subject to a condition of the Compliance Schedule.
10. **Compliance Certification Requirements:** Note to the permit writer: This is an **optional** item that may not be necessary for all permits. It should be used when a source has any specific compliance certification requirements for this emission point (ie: new construction, new compliance requirements included in the next cycle. [Item (d) of Section G of the General Conditions contains the general requirement for compliance demonstration for new construction. Item 7 of Section F contains the annual certification of compliance general requirement])

**SECTION B - EMISSION POINTS, EMISSION UNITS,
APPLICABLE REGULATIONS, AND OPERATING CONDITIONS
(CONTINUED)**

02 () [Same as EP-01]

Description:

APPLICABLE REGULATIONS:

1. **Operating Limitations:**
2. **Emission Limitations:**
3. **Testing Requirements:**
4. **Specific Monitoring Requirements:**
5. **Specific Recordkeeping Requirements:**
6. **Specific Reporting Requirements:**
7. **Specific Control Equipment Operating Conditions:**
8. **Alternate Operating Scenarios:**
9. **Compliance Schedule:** (optional item - may be deleted if it does not apply)
10. **Compliance Certification Requirements:** (optional item - may be deleted if it does not apply)

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10. Etc.	
11. Etc.	

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. *[Cite all regulated pollutants for the entire source for which there are applicable regulations and emission standards]* emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. *[Specific source emission requirements which apply to two or more emissions units should be included in this section and referenced for each applicable emission point. This should include any applicable regulatory limits with the appropriate regulatory citation. YOU MUST Remember to bring forward all previous synthetic minor permits and any group equipment limits While we are subsuming all previous permits, you need to do your job and check for PSD/NSR requirements, Syn Minor groupings, etc. It would not be a bad idea to make a listing of aff. facilities issued under previous permits.]*

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. *[Specific control equipment group requirements which apply to two or more emission points should be included in this section and referenced for each applicable emission point. This should include control equipment description and specifications of operations, and any applicable regulatory limits with the appropriate regulatory citation.]*

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within *30 days*. Other deviations from permit requirements shall *be included in the semiannual report required by Section F.6* [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. Optional item - Note to permit writer: The permitting authority may require other facts beyond items a-e of condition #9 to determine the compliance status of the source. If other facts are to be used to determine compliance they should be specified here.

SECTION F - MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (CONTINUED)

- g. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Regional Office
123 Air Way
Polluted, KY 45678

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - d. If any additional applicable requirements of the Acid Rain Program become applicable to the source. **[Acid Rain sources only]**

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly

SECTION G - GENERAL PROVISIONS (CONTINUED)

submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in the permit and
 - b. Non-applicable requirements expressly identified in this permit.
17. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of a required performance test, the permittee shall complete and return a Compliance Test Protocol using the current approved format, to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test. **(Use only if testing is required)**

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for

SECTION G - GENERAL PROVISIONS (CONTINUED)

transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

- (d) Construction, Start-Up, and Initial Compliance Demonstration Requirements
None

OR

(List the emission units under construction)

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission points X,Y,Z in accordance with the terms and conditions of this permit.

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration (*test*) on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. ***These performance tests must also be conducted in accordance with General Provisions G(d)7 of this permit and the permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test***
 6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
 7. Pursuant to Section VII 1.(2 and 3) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), if a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the permittee is only authorized to operate at a rate that is not greater than 110% of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be demonstrated at the new production rate if required by the Division. **(Use only if testing is required)**
- (e) Acid Rain Program Requirements
1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
 2. *[Include other general requirements of the Acid Rain Program if this permit incorporates any Title IV permit conditions]* **[Acid Rain permits only]**
- (f) Emergency Provisions
1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations

SECTION G - GENERAL PROVISIONS (CONTINUED)

- e. were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - f. This requirement does not relieve the source of other local, state or federal notification requirements.
- 2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
- 3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

- 1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

- 2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

- 1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

SECTION G - GENERAL PROVISIONS (CONTINUED)

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

The alternate operating scenarios set forth below have been approved by the Division based on information supplied with the application and during the application review process. The terms and conditions of each alternate operating scenario have been developed to ensure compliance with the applicable regulations. The permittee, when making a change from one operating scenario to another, shall record contemporaneously in a log at the permitted facility a record of the scenario under which the facility is operating. The permit shield, as provided in Section G shall extend to each alternate operating scenario set forth in this Section. All conditions not specified under an alternate operating scenario shall remain unchanged from their permit values or requirements.

Alternate OPERATING SCENARIO 1

Description of Alternate Operating Scenario 1.

01 (01) *Description of affected facility*

APPLICABLE REGULATIONS:

1. Operating Limitations:

[Identify any different operating limitation that defines this operating scenario. Indicate State-Origin if applicable.]

02 (02) *Description of affected facility*

APPLICABLE REGULATIONS:

1. Operating Limitations:

[Same as above]

SECTION H - ALTERNATE OPERATING SCENARIOS (CONTINUED)

Alternate OPERATING SCENARIO 2

Description of Alternate Operating Scenario 2.

01 (01) *Description of affected facility*

APPLICABLE REGULATIONS:

- 1. Operating Limitations:**
[Same as Operating Scenario 1 above]

02 (02) *Description of affected facility*

APPLICABLE REGULATIONS:

- 1. Operating Limitations:**
[Same as Operating Scenario 1 above]

SECTION I - COMPLIANCE SCHEDULE

Caution - this section is written for a source that certified non-compliance. If you it for compliance schedules to allow time to add monitoring equipment or recordkeeping delete the first paragraph.

This section contains compliance schedule requirements as specified by Section 1c of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26. Progress reports on this schedule must be submitted at least semiannually, or at more frequent intervals if required in the specific conditions outlined below. Reports shall include the following items: (a) Dates scheduled for achieving each milestone, and the actual date that compliance is achieved; and (b) An explanation of why dates in /the schedule of compliance were not or will not be met, and preventive or corrective measures adopted to ensure that compliance with future items will be brought back on schedule. Compliance certifications shall be mailed to the addresses listed in General Condition F.9

1. *[Specific compliance conditions should be included in this section and referenced for each applicable emission point. This should include specific milestones and dates, and any applicable regulatory limits with the appropriate regulatory citation.]*

SECTION J - ACID RAIN

Caution - this section is only for those sources subject to the Acid rain program.

SECTION K – NO_x BUDGET

Caution - this section is only for those sources subject to the NO_x Budget Requirements.